

REMARKS

Claim 20 has been amended to recite that the device used in the claimed method has a mechanical element for cutting and detaching tissue.

One aspect of the invention, recited in amended claim 20, provides a method of removing tissue from a body cavity, comprising inserting into the cavity a device having a mechanical element for cutting and detaching the tissue, introducing fluid into the cavity, discharging fluid with detached tissue along a first path, and discharging substantially only fluid along a second path; the discharge along the second path is regulated to control pressure in the body cavity. Thus, pressure in the body cavity can be maintained despite intermittent fluid flow in the first path (e.g., due to the irregular release of detached tissue therethrough), thereby enhancing the safety of the surgical procedure.

Claim 20 has been rejected over Kagawa, but Kagawa's method involves the use of an ultrasonic surgical instrument, not a device having a mechanical element for cutting and detaching tissue, as recited in claim 20. That is, Kagawa's instrument employs ultrasonic energy to fracture tissue, rather than a mechanical element to cut and detach tissue, as claimed by applicants. As such, Kagawa provides a second fluid path to solve an entirely different problem from that addressed by applicants. Rather than controlling pressure in the body cavity, Kagawa's second fluid discharge path helps cool the ultrasonic instrument and improve the user's field of view by avoiding atomization of liquid in the vicinity of the surgical site (see, e.g., col. 3, lines 20-31).

Accordingly, applicant respectfully submits that claim 20, and hence its dependent claims, are patentable over Kagawa.

In another aspect of the invention, recited in new claim 38, the second discharge path is separate from the first discharge path. Among other advantages, this enables fluid flow in the two paths to be independently regulated to further enhance the controllability of the body cavity pressure. Applicant notes that Kagawa's discharge paths are combined (see, e.g., the connection of tube 30 with tube 16 at the proximal end of the instrument), and thus are not separate, as claimed.

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Attached is a marked-up version of the changes being made by the current amendment.

Applicant respectfully submits that all claims are in condition for allowance, which action is requested.

A petition for a three-month extension of time and the required fee are enclosed. Please apply any other charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

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Version with markings to show changes made

In the claims:

Claim 20 has been amended as follows:

20. (Amended) Method for the removal of tissue from a body cavity, comprising inserting [a device] into said cavity a device having a mechanical element for cutting and detaching said tissue,
introducing a fluid into said cavity,
discharging fluid with detached tissue along a first path, and
discharging substantially only fluid along a second path, said discharge along said second path being regulated to control pressure in said body cavity.

Add the following claim:

--38. (New) Method for the removal of tissue from a body cavity, comprising inserting a device into said cavity for cutting and detaching said tissue,
introducing a fluid into said cavity,
discharging fluid with detached tissue along a first path, and
discharging substantially only fluid along a second path separate from said first path, said discharge along said second path being regulated to control pressure in said body cavity.--